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UNCLAS NAIROBI 001547

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E.O. 12958: N/A  
TAGS: [PHUM](#) [PREL](#) [UNGA](#) [KUNR](#) [KE](#)  
SUBJECT: KENYA RENEWS REQUEST FOR SUPPORT FOR UN HUMAN  
RIGHTS COUNCIL SEAT

REF: A. NAIROBI 1362

[1](#)B. STATE 55461

[1](#)1. The Ministry of Foreign Affairs (MFA) formally reiterated April 6 its request for U.S. support for Kenya's candidacy for a seat on the first U.N. Human Rights Council (text in paragraph 2). Ref A communicated the same informal request from the MFA and asked for Department guidance. Department input is especially important now in light of Ref B, which post will deliver to the MFA, indicating the U.S. will actively campaign on behalf of candidates ahead of the May 9 election. Department guidance is appreciated.

DEMARCHE SEEING SUPPORT FOR KENYA'S BID  
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[1](#)2. Government of Kenya's demarche follows.

(BEGIN TEXT:)

MFA.33/214/001

The Ministry of Foreign Affairs of the Republic of Kenya presents its compliments to their Excellencies Mesdames et Messieurs the Heads of Diplomatic Missions and International Organizations, accredited to the Government of the Republic of Kenya and with reference to the former's note verbale No.MFA.33/214/001 dated 20th March, 2006, has the honour to forward the enclosed Aide Memoire, providing a detailed justification for the request.

The Government of the Republic of Kenya would be grateful to receive your government's support for its candidature to the Human Rights Council.

The Ministry of Foreign Affairs of the Republic of Kenya avails itself of this opportunity to renew to their Excellencies Mesdames et Messieurs the Heads of Diplomatic Missions and International Organizations accredited to the Government of the Republic of Kenya the assurances of its highest consideration.

Nairobi, 5th April, 2006.

All Heads of Missions and International Organizations accredited to Kenya, NAIROBI.

(END TEXT.)

AIDE MEMOIRE OF JUSTIFICATION FOR BID  
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[1](#)3. Government of Kenya's aide memoire attached to the diplomatic note follows.

(BEGIN TEXT:)

Aide Memoire  
Ministry of Foreign Affairs

Kenya has decided to present its candidature for election to the United Nations Human Rights Council at the elections to be held by the General Assembly on 9 May 2006, pursuant to General Assembly Resolution A/RES/601251.

Kenya has been an active participant in the negotiations for the establishment of the Human Rights Council, both in New York and Geneva and welcomes the establishment of the Human Rights Council as a significant step in the efforts by the international community to enhance the promotion and protection of human rights.

Kenya will continue to support all initiatives and reforms of the human rights machinery aimed at creating a stronger, efficient and less politicized organization that will promote human rights and respond promptly in cases of human rights abuse in any part of the world.

In this regard, the Government of Kenya makes the following pledges and commitments:

#### AT THE INTERNATIONAL LEVEL

Kenya has and will continue to play a pivotal role in mediation and resolution of regional conflicts with the strategic objective of establishing and nurturing suitable conditions for the promotion and protection of human rights. This objective is premised on Kenya's conviction that the enjoyment of human rights can only be guaranteed in conditions of peace, security and stability.

One of the cardinal precepts of Kenya's foreign policy is that the promotion and protection of human rights must be diligently pursued in both bilateral and multilateral settings. Kenya will continue to pursue this policy in cooperation with the international community.

As a demonstration of its commitment to the principle of international cooperation in the promotion and protection of human rights Kenya has served in the United Nations Commission for Human Rights: - 1984-1986; 1992-1994; 2001-2003, and was a member for the 2005-2007 period.

Kenya continues to closely co-operate with the special procedures and mechanisms of the Commission by inviting Special Rapporteurs to visit Kenya and extending maximum cooperation to them in their valuable work.

Kenya embraces the principle of universal periodic review that will scrutinize member states human rights records. Kenya was among the first African countries to voluntarily offer herself for review under the NEPAD Peer Review Mechanism, which evaluates members and recommends promotion and protection of human rights, good governance, rule of law and justice.

#### AT THE NATIONAL LEVEL

Kenya is party to almost all human rights instruments and pledges to continue submitting national reports to various regional and international treaty bodies.

Kenya has endeavoured to match her international legal obligations with practical strategies and action plans at the national level, always guided by the principles of human dignity, non-discrimination, cooperation and equality for all.

Kenya believes that all human rights are inherent, indivisible, interrelated and interdependent. The Constitution of Kenya guarantees the enjoyment of all rights without discrimination. The draft Constitution which is

still under discussion, grants the High Court unlimited jurisdiction in all cases of human rights violations.

A new political dispensation was ushered in after the historic democratic elections in December 2002. The new Government, at the outset, placed the promotion and protection of human rights at the core of its domestic and foreign policy.

A number of concrete steps to safeguard civil and political rights of its citizens have been put in place. These include:

- The opening up of space for unlimited participation by the people in the democratic process.
- The creation of a Ministry of Justice and Constitutional Affairs with the express mandate of promoting and protecting human rights and good governance.
- The establishment of the Kenya National Commission on Human Rights as a statutory and independent body that acts as a watchdog to ensure the promotion and protection of human rights in the country.
- The total liberalization of Kenya's airwaves in the true spirit of freedom of information and expression of opinion. Independent radio and television stations as well as local and international newspapers operate freely.

Kenya has ratified the Convention against Torture or Degrading Treatment or Punishment and has taken the necessary legislative and administrative steps to implement the provisions of the Convention.

Kenya has ratified the Optional Protocol to the Convention on the Rights of the Child and Involvement of Children in Armed Conflict and has enacted a comprehensive Children's Act that domesticates obligations contained in the Convention on the Rights of the Child.

Kenya has enacted the Gender Commission Act and established the National Commission on Gender to mainstream gender issues in all aspects of public life.

Kenya has embarked on far-reaching measures to strengthen the judiciary, so as to ensure an independent, effective and efficient institution that is essential for a just, transparent and accountable Government. The Government has established more courts in all parts of the country.

The Government has put in place a sound legal and institutional framework for investigation, prosecution and

punishment of those involved in corruption. The Anti-Corruption and Economic Crimes Act 2003 and the Public Office and Ethics Act, 2003 have been enacted with the aim of protecting public resources from theft, wastage and plunder thereby availing then (sic) for poverty alleviation programmes.

Kenya has adopted universal free primary education with a view to realizing the right to education. Similar efforts are being undertaken in other areas including health and housing.

The Government of the Republic of Kenya remains firmly committed to the protection and promotion of human rights throughout the world and would be grateful to receive the support of your Government in our quest for election to the Human Rights Council.

4th April 2006  
Ministry of Foreign Affairs,  
Nairobi Kenya

(END TEXT.)  
BELLAMY